

HOUSE No. 4340

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 27, 2012.

The committee on Ways and Means, to whom was referred the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax (House, No. 4320), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4340).

For the committee,

BRIAN S. DEMPSEY.

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In the Year Two Thousand Twelve

An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to transfer a certain parcel of land in the town of Halifax, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or
2 any general or special law to the contrary, the commissioner of capital asset management and
3 maintenance, in consultation with the department of fish and game, may convey a certain parcel
4 of state-owned land in the town of Halifax to the town. The parcel contains approximately 17.65
5 acres, as shown on a plan entitled “Burrage Pond WMA – Elm Street Entrance, Halifax,
6 Proposed Conveyance,” a copy of which is on file at the department of fish and game. The exact
7 boundaries of the parcel shall be determined by the commissioner of capital asset management
8 and maintenance in consultation with the commissioner of the department of fish and game after

completion of a survey and shall be agreed upon by the department of fish and game and the town of Halifax; provided, however, that the department of fish and game shall retain no less than seventy (70) feet of frontage on Elm Street for the purpose of public access to the Burrage Pond Wildlife Management Area parking lot. The conveyance is made in consideration of a settlement agreement for equitable relief in a complaint in Plymouth Superior Court, Docket number CV2002-00557. The agreement was entered into between Northland Cranberries, Inc., the department of fisheries, wildlife and environmental law enforcement, now known as the department of fish and game, and the town of Halifax in June, 2002. The parcel shall be conveyed by deed without warranties or representations by the commonwealth.

SECTION 2. Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to section 1. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of the division of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner of the division of capital asset management and maintenance shall, 30 days before the execution of any conveyance authorized by this act, or any subsequent amendment thereto, submit the proposed conveyance or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of the proposed conveyance or amendment. The commissioner shall submit the proposed conveyance or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of the conveyance.

SECTION 3. Notwithstanding any general or special law to the contrary, the department of fish and game shall be responsible for all costs and expenses of the transaction authorized in this act, up to \$10,000, subject to appropriation. Such expenses shall include but not be limited to, the

costs of any engineering, surveys, title examinations, recording fees and deed preparation related to the conveyance of the parcel and all costs, liabilities and expenses of any nature and kind for its ownership. The town of Halifax shall acquire the property thereon in its present condition.

SECTION 4. Notwithstanding any general or special law to the contrary, the town of Halifax and the commissioners of capital asset management and maintenance and fish and game shall take all actions they deem necessary or advisable in their sole discretion to carry out the conveyance as set forth in this act, including, without limitation, the execution of any and all documents relative thereto.